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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,033

09/12/2003

Sani El-Fishawy

15814.11.1

6675

22913

7590

07/28/2005

WORKMAN NYDEGGER  
(F/K/A WORKMAN NYDEGGER & SEELEY)  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

BUI, BING Q

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/661,033	EL-FISHAWY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bing Q. Bui	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to:
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/12/04 and 10/0604</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-35 are pending in the application for examination, wherein claims 1, 14, 21, 23 and 26 being independent.

#### ***Specification***

2. The abstract of the disclosure is objected to because it contains more than 150 words. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kung et al (EP 1 113631 A2).

Regarding claim 1, referring to figures 1 and 7A-8C, Kung teaches a method of initiating delivery of an instant voice message to a recipient station in a multimedia communication network, wherein both message sender and recipient station may

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associate with a POTs, a wireless telephone, a PC, a video phone, an IP enable phone, a television or other devices (see figure 1 and col. 5, lns 17-51), comprising:

receiving a message from a sender device, the message including voice content and other multimedia content and designating a recipient (see figs 7A-7B; and col. 39, ln 30-col. 40, ln 35);

extracting the voice content from the message (see figs 7A-7B; and col. 39, ln 30-col. 40, ln 35);

storing the voice content in an interactive voice response system (IVR) such as announcement server 220 or multimedia server 222 (see figs 1 and 7A-7B; and col. 39, ln 30-col. 40, ln 35) (see figs 7A-7B; and col. 39, ln 30-col. 40, ln 35);

initiating transmission of a Short Message Service (SMS) notification to the recipient station, the SMS notification including information permitting the recipient to access the IVR system such as announcement server 220 or multimedia server 222 (see figs 7B-8C; and col. 40, ln 32-col. 43, ln 40); and

in response to the IVR system such as announcement server 220 or multimedia server 222 receiving a request for the stored voice content, transmitting the stored voice content from the IVR system to the recipient station (see figs 7B-8C; and col. 40, ln 32-col. 43, ln 40).

Regarding claim 2-5 and 12-13, see Kung, figs 7B-8C; and col. 40, ln 32-col. 43, ln 40.

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 6-11 and 14-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kung et al (EP 1 113631 A2) in view of Helferich (US Pat No. 6,636,733).

Regarding Claims 6-11 and 14-25, Kung teaches the invention substantially as claimed, with the exception of providing the method of recording a reply message that is created by the recipient and is to be delivered to the sender of the instant voice.

However, this missing step has been taught by Helferich (see col. 2, lns 9-53).

Therefore, integrating Helferich's teachings into communication system of Kung would

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be useful especially for important message received from the message sender by the message recipient.

8. Claims 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman et al (US Pat No. 5,146,487).

Regarding claim 26, Bergsman teaches a message sender station associated with a communication system, a method for initiating transmission of an instant voice message, comprising:

at a time when no network connection between the message sender station and the communication system exists, receiving the message sender input including:

voice data (see Figs 1-2; and In 36-col. 5, In 7); and

information specifying a recipient (see Figs 1-2; and In 36-col. 5, In 7);

storing an instant voice message that includes the voice data locally at the message sender station (see Figs 1-2; and In 36-col. 5, In 7); and

when a subsequent network connection between the message sender station and the communication system exists, initiating transmission of the instant voice message from the message sender station to the communication system, such that the instant voice message is sent to the recipient (see Figs 1-2; and In 36-col. 5, In 7).

Bergsman differs from claimed invention in which it does not explicitly teach the message sender and recipient associate with wireless station. However, having wired or wireless means or any other means (facsimile, personal computer, etc.) for exchanging information is just the intended use.

Regarding claims 27-35, see Bergsman, Figs 1-2; and In 36-col. 5, In 7.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art in general:

U.S. Pat. No. 5,646,982

U.S. Pat. No. 5,751,791

U.S. Pat. No. 6,052,440

U.S. Pat. No. 6,144,644

U.S. Pat. No. 6,418,307

U.S. Pat. No. 6,463,131

U.S. Pat. No. 6,785,363

U.S. Pat. No. 6,799,033

U.S. Pat. No. 6,826,264

U.S. Pat. No. 6,882,708

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number

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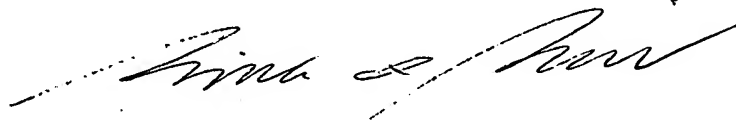
for the organization where this application or proceeding is assigned is (571) 273-8300

and for formal communications intended for entry (please label the response

☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

20 July 2005

A handwritten signature in black ink, appearing to read 'Bing Q. Bui', is written over a horizontal line.

**BING Q. BUI**  
**PRIMARY EXAMINER**